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5 Attorney for Defendant and Counter-Claimant, PAETEC  
6 COMMUNICATIONS, INC.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 TELSCAPE COMMUNICATIONS, INC.,

11 Plaintiff,

12 v.

13 PAETEC COMMUNICATIONS, INC., and DOES  
14 1-10,

15 Defendants.

16 AND RELATED COUNTER-CLAIM.  
17

Case No.: C 05-03462 JSW

STIPULATION STAYING ACTION AND  
RELATED DEADLINES PENDING  
ALTERNATIVE DISPUTE  
RESOLUTION; ~~PROPOSED~~ ORDER  
THEREON

Jeffrey S. White  
Judge: Hon. ~~Joseph F. White~~  
Complaint Filed: July 19, 2005  
Case Removed to  
Federal Court: August 25, 2005

18  
19 Pursuant to Civil L.R. 6-2, all parties to the present action—Plaintiff and Counter-  
20 Defendant Telscape Communications, Inc. (“Telscape”), and Defendant and Counter-Claimant  
21 PAETEC Communications, Inc. (“PAETEC”)—hereby file this Stipulation requesting that the  
22 Court issue an Order temporarily staying the action and all deadlines pending the outcome of the  
23 parties’ attempt to resolve the matter informally.

24 This Stipulation is accompanied by the Declaration of John S. Kyle. The form and  
25 content of Mr. Kyle’s Declaration has been agreed to by all of the parties to the action. As  
26 required by Civil L.R. 6-2, Mr. Kyle’s Declaration (1) sets forth with particularity the reasons for  
27 the requested relief; (2) discloses all previous modifications in the case; and (3) describes the  
28 effect the requested time modification would have on the schedule of the case.

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Stipulation Staying Action; Order  
Case No. C 05-03462 JSW

On September 21, 2005, the parties agreed that they would attempt to resolve the matter through negotiation, but do not want to incur the time, expense, and inconvenience of litigating this action at the same time they try to negotiate a mutually satisfactory solution. The parties agree that a stay would allow for more efficient use of judicial and client resources, and allow the parties to manage the case more effectively. Therefore, the parties hereby jointly request that the Court issue an Order:

(i) temporarily staying discovery, all other proceedings and deadlines in the above-captioned case until such time as the parties advise the Court that their attempts at informal resolution were unsuccessful, or until November 30, 2005, which ever occurs first; and

(ii) requiring the parties to meet and confer no later than ten (10) days after the Court lifts the stay in order to jointly submit to the Court a proposed Case Management Order that provides revised dates for all scheduling deadlines.

IT IS SO STIPULATED.

DATED: September 28, 2005

PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP

By:

John S. Kyle  
Attorneys for Defendant and Counter-  
Claimant PAETEC COMMUNICATIONS,  
INC.

DATED: September 28, 2005

GOODIN, MACBRIDE, SQUERI, RITCHIE &  
DAY LLP

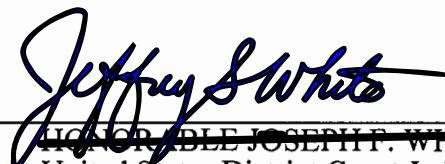
By:

Keith E. Johnson  
Attorneys for Plaintiff and Counter-  
Defendant TELSCAPE  
COMMUNICATIONS, INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
2

3 Dated: September 30, 2005

4 By:

  
5 HONORABLE JOSEPH F. WHITE  
6 United States District Court Judge  
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Honorable Jeffrey S. White

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